

Minutes of Special and Regular City Council Meeting of October 23, 2012
City Council Chambers, One Twin Pines Lane

SPECIAL MEETING

CLOSED SESSION 7:05 P.M.

A. Conference with Labor Negotiator, Greg Scoles, under Government Code Section 54957.6: Belmont Fire Management Unit (FMU) and Unrepresented Management

Attended by: Councilmembers Wozniak, Braunstein, Feierbach, Lieberman, City Manager Scoles. Mayor Warden did not attend and City Clerk Cook was excused from attending.

ADJOURNMENT at this time being 7:15 P.M.

Terri Cook
City Clerk

This meeting was not tape recorded or videotaped

REGULAR MEETING

CALL TO ORDER 7:35 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Wozniak, Feierbach, Lieberman, Braunstein, Warden

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, City Attorney Rennie, Police Chief DeSmidt, Fire Chief Fry, Community Development Director de Melo, Finance Director Fil, Public Works Director Oskoui, Parks and Recreation Director Gervais, Deputy Finance Director Lazzari, Interim Information Services Manager Eggers, Technology Specialist Martinez, Police Officer Moniot, City Treasurer Violet, City Clerk Cook

PLEDGE OF ALLEGIANCE

Led by Mayor Warden.

REPORT FROM CLOSED SESSION

City Attorney Rennie reported that direction was given but no action taken during the Closed Session held earlier.

SPECIAL PRESENTATIONS

Presentation to Red Ribbon Week Poster Contest Winners

Police Officer Moniot provided a history of Red Ribbon Week and explained the poster contest held for elementary school students in Belmont. He awarded certificates to the poster winners.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Kathleen Beasley, Belmont Library Manager, presented the City Council with the San Mateo County Library System's Annual Report. She provided an overview of the use of the Belmont

Library by its patrons, and stated that library staff has been teaming with the Parks and Recreation staff to provide a variety of programs for youth.

Mayor Warden noted that program attendance at the Belmont Library is double that of other libraries in the County.

Councilmember Wozniak noted that the Belmont Library serves a diverse community.

Lorna Fear, Ecology Action, outlined upcoming workshops on PG&E's energy upgrade program for homeowners.

Jeff Margolis, Belmont resident, spoke regarding the City Council's plans for the City-owned property in the San Juan Canyon. He noted that the City Council will be choosing a developer based on a 10-minute presentation, and stated that other options are available and expressed a desire to find the money from other sources. He pointed out that roads in the area need repair and he does not support any development. He recommended delaying action on an exclusive negotiating agreement.

Perry Kennan, Belmont resident, commented that parking is often a challenge at the Library. He noted that the condition of roads were discussed at the recent Audit Committee meeting, and that Lyall Way and Masonic Avenue are not in good condition.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Wozniak commented regarding the annual City employee picnic recently held. She noted that the Belmont Fire Department recently celebrated its one-year anniversary.

AGENDA AMENDMENTS

Mayor Warden suggested taking the Public Hearing for Crystal Springs Uplands School out of order on the agenda.

ACTION: On a motion by Councilmember Braunstein, seconded by Councilmember Lieberman, and unanimously approved by a show of hands to amend the agenda to address the Public Hearing for Crystal Springs Uplands School prior to other agenda items.

HEARINGS (Item out of order on agenda)

Consideration of General Plan Amendment, Planned Development Rezoning, and Conceptual Development Plan for 6, 8, 10 Davis Drive (Crystal Springs Uplands School) (continued from 9/11/12 and 10/9/12)

Mayor Warden noted that this is a continuation of the Public Hearing held on September 11, 2012 for Crystal Springs Uplands School (CSUS) to build a school on Davis Drive. He explained that he would limit public comment to those who did not speak at the earlier meeting. He pointed out that the City Council has received numerous emails, letters and petitions regarding this matter, which are part of the public record.

Community Development Director de Melo stated that the City Council had questions and requested additional information following the September 11th hearing. He noted that special

school events would be addressed in the Conditional Use Permit. He pointed out that the noise consultant prepared a supplemental memo advising that the proposed noise mitigations are appropriate. He explained that the traffic report has been updated and was peer-reviewed by the City of Belmont's traffic consultant.

Mayor Warden opened the Public Hearing.

Marit Hsich, Belmont resident, expressed support for this project and noted that others support the proposed rezoning of the property. She stated that commercial property should be located in the downtown area.

Roy Ebbel, Belmont resident, expressed opposition to the project due to the impact on traffic, which is already an issue. He noted that Belmont has many good schools, and he stated that not many Belmont students would attend the new school. He explained that his children attended CSUS, and he described traffic issues he experienced at their Hillsborough campus.

Huan Phan, Belmont resident, expressed support for the project. He expressed his concern regarding the message a no vote would send to future development in Belmont.

Jack Starkey, Belmont resident, expressed support for the project. He noted that he has always supported educational opportunities in Belmont. He concurs that traffic issues already exist, and that the school will not have a negative impact on existing traffic.

Amy Fay, Belmont resident, expressed concern regarding the divisiveness of this issue, and commented regarding the literature sent by the school. She wanted to know what the cost would be for the City to provide services to the school, and pointed out that money has not been offered to the high school or community college district. She noted that properties are available in the east part of Belmont.

Jo Ann Cobb, Belmont resident, stated that she had initial reservations regarding the project and is now supportive. She noted that other good projects have been turned down.

Lenore Griffin, Belmont Chamber of Commerce President, stated that both she and the Chamber support the project. She outlined the goals in the General Plan that are met by the change of zoning to allow CSUS.

Jeff Margolis, Belmont resident, expressed concern regarding the mailers sent by CSUS. He noted that the Planning Commission did not support the project, and he stated he does not agree that the project will provide jobs. He pointed out that many who support the school do not live in the vicinity of the property.

Joanna Reams, Merry Moppett/Belmont Oaks Academy, stated that schools are good community members that help families. She indicated that the City should embrace all educational opportunities. She noted that Davis Drive properties have been empty and are not likely to be viable for commercial businesses.

Saverio Ferme, Belmont United Soccer Club (BUSC), expressed support for the school. He pointed out that Belmont is experiencing a population growth with more children. He noted this is an opportunity to improve the sports facilities, and that enrollment in sports is growing. He stated that the monies being offered by Crystal Springs could be used to install turf at the Sports Complex.

Elsa Shafer on behalf of Dave Tognotti, expressed support for the projects. She noted that the school would be a positive addition to Belmont and would provide an educational option. She pointed out that the monies offered would assist the City of Belmont, which has had to cut budgets. She stated that traffic will not be an issue.

Sharon Topping, Belmont resident, expressed support for the project. She noted that the school would be an asset to the community and would have no significant impact.

Karin Hold, Belmont resident, expressed opposition to the project. She stated that the proposed land use is inconsistent with the General Plan. She stated that traffic issues need to be addressed prior to approval. She pointed out that the peak 15-minute traffic volume is excessive. She expressed concerns regarding safety issues relative to the use of shuttles.

Mike Cuneen, Belmont resident, stated that commercial property is likely to be in demand in the near future.

Phil Wohl, Belmont resident, noted that the project has evolved and that many are in support.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Braunstein, the Public Hearing was unanimously closed by a show of hands.

Ann Richards, Crystal Springs Uplands Head of School, described the Preliminary Design Review process and noted that the proposed school received early unanimous support by the City Council. She pointed out that the school has proposed a well-designed plan which received extensive environmental review with no significant impacts. She noted that the Planning Commission approved the Mitigated Negative declaration by a vote of 6-1. She outlined the mitigation measures that will address concerns, and stated that the school will not materially affect traffic. She clarified that the City's traffic consultant concurred with this finding. She expressed her appreciation for the support the school has received from the Belmont community.

Mayor Warden noted that rezoning and the General Plan amendment are the primary matters for consideration by the City Council. He clarified that the other items would be addressed if those entitlements are approved. He explained that the project needed to go through the process even though it was initially supported in concept. He stated that he has spoken to adjacent property owners and residents regarding this matter. He expressed concern regarding spot zoning and locating a private school in a commercial zone. He is also concerned with the difficulty in leasing the surrounding commercial properties if a school is located there.

Councilmember Lieberman questioned the reason this area was zoned as commercial in the first place. He stated that he was advised that the existing uses were in place before the area was

incorporated into the City limits. He noted that rezoning may be appropriate, and he cited other examples of the coexistence of school and business uses in other communities. He stated that he could support the General Plan amendment.

Councilmember Wozniak thanked the public for its involvement in this process. She noted that the quality of CSUS is not in question. She pointed out that the City Council makes decisions based on analysis of data. She does not support changing the General Plan for one applicant, and that it is not in the best interest of the City of Belmont to rezone this property. She stated that Belmont needs more commercial property. She pointed out that Belmont has more schools than other cities in the area, and that the City would have to provide services that cost money. She stated that she received communications from three former Belmont Mayors who do not support the project, and noted that rezoning locks the land use.

Councilmember Feierbach stated that she does not support the project. She stated that the communications the City Council has received on this matter are evenly divided. She expressed concern regarding the loss of tax revenue by other agencies, and the traffic the school would generate. She noted that traffic patterns for office use are different than for school use. She expressed concerns regarding the public relations campaign undertaken by CSUS. She pointed out that the private school could take students away from the public school district. She clarified that the existing buildings are empty because the school has an option to purchase them. She expressed appreciation for the educational option that CSUS would provide, and their offer to share the use of the field with other groups. She stated that she cannot support rezoning property for one applicant, and pointed out that Davis Drive is the only commercial park in Belmont.

Councilmember Braunstein stated that the City Council takes all matters seriously, and he thanked everyone for their input. He noted that the City Council often addresses issues that do not result in revenue for the City. He recommended looking to the Harbor Industrial Area as a revenue source. He expressed concern for spot zoning and would prefer to rezone the entirety of the commercial complex. He explained that he has reservations about this project but the City and CSUS could get to a win-win result through discussions with the other property owners.

Mayor Warden stated that he has spoken to many people regarding this matter, and pointed out that both sides have compelling reasons. He concurred that communications received by the City Council have been split. He pointed out that a vote on this land-use decision is an expression of the opinion of the City Councilmembers. He noted that he supports public schools and is a product of the public school system in Belmont. He does not support the placement of a school in a business park, and explained that he wanted to support CSUS, as the school has many positive aspects. He expressed concerns regarding traffic. He cannot support a zoning change for a nonprofit organization, regardless of the money that CSUS has offered. He clarified that the current vacant property generates property taxes, and the school will require more City services.

Councilmember Lieberman noted that he focused on the proposed Development Agreement rather than the General Plan amendment and zoning change as a way to improve the project. He noted that in April of 2011 the City Council supported the rezoning and new use of the property, and he requested clarification from other Councilmembers regarding what had changed since that time. He explained that he would not support rezoning if it were fiscally harmful to the City. He

pointed out that CSUS has put money on the table to make the project fiscally positive, and suggested that the City negotiate for more money. He stated that the City could use the money to undertake projects needed for the City, such as roads and turfing the Sports Complex.

Councilmember Feierbach responded that she initially supported the school, and that CSUS's mailer and publicity is what changed her mind. She spoke regarding negative comments posted to Patch, and stated that this issue has become divisive, and neighbors' concerns have been dismissed. She pointed out that the school's purchase option on the property has kept the buildings vacant.

Mayor Warden clarified that very little information was provided at the Preliminary Design Review process, and no vote was taken by the City Council. He stated that this process is an option for an applicant, and no binding decisions are made. He stated he had concerns initially about this project.

Councilmember Wozniak stated that she was initially positive and supported further review, but that she had concerns. She pointed out that the Planning Commission meetings on this matter were complicated, and the project was not approved by the Commission other than the Mitigated Negative declaration. She clarified that she gives weight to those who live and do business in Belmont.

Councilmember Lieberman expressed concerns regarding the Preliminary Design Review process, and pointed out that initial support led to an expenditure of monies by the applicant. He concurred that many negative communications have been made on this matter.

Community Development Director de Melo described the Preliminary Design Review process, which does not include environmental review, zoning, or General Plan analyses. He explained that this caveat is clearly spelled out to the applicants.

Councilmember Braunstein stated that positive feedback was provided at Preliminary Design Review, which gave the perception of approval. He expressed concern regarding the process and its affect on future development.

Councilmember Feierbach recommended that more input be sought throughout the development process in the future. She concurred that the Council gave initial positive feedback.

Mayor Warden stated that Preliminary Design Review should not lock the City Council into a future decision. He noted that decisions are based on new information and recommendations from the Planning Commission. He concurred the Preliminary Design Review Process is flawed.

Councilmember Lieberman stated that this is the first opportunity that CSUS has had to hear from the City Council regarding their project. He pointed out that the school made changes to the proposed Development Agreement based on input from the Planning Commission and the community. He noted that this project could help address traffic at Ralston Middle School, and also noted that CSUS has offered \$250,000 which could be used for traffic improvements. He would like to find a way to approve the project which could change and improve quality of life.

Discussion ensued.

Councilmember Feierbach pointed out that if CSUS is allowed to build on Davis Drive, other schools will want to locate there as well.

Councilmember Wozniak expressed concern regarding spot zoning. She noted that the General Plan amendment is the City Council's primary consideration, and suggested that the City Council make a decision about this matter tonight.

ACTION: Councilmember Feierbach made a motion, seconded by Councilmember Wozniak, to direct staff to prepare a Resolution to deny the General Plan amendment as requested by Crystal Springs Uplands School.

City Attorney Rennie clarified that should the General Plan amendment be denied, the remainder of the project is denied.

ACTION: On the original motion, said motion passed on a roll call vote of 3-2 (Braunstein, Lieberman no).

RECESS: 10:25 P.M.
RECONVENE: 10:50 P.M.

MEETING EXTENSION: At this time, being 10:50 p.m. on a motion by Councilmember Lieberman, seconded by Councilmember Braunstein, and unanimously approved by a show of hands to extend the meeting by 40 minutes.

City Attorney Rennie stated that during the recess he drafted a resolution for Council consideration. He indicated that the reason set forth in the resolution indicates that the proposed amendment is not required to achieve the goals and objectives of the General Plan.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Wozniak Resolution 2012-121 (Denying General Plan Amendment) Regarding Application PA2012-0010, PA2011-0028 and PA2011-0052 (Crystal Springs Uplands School) was approved by a roll call vote (Braunstein, Lieberman no).

CONSENT CALENDAR (held over from earlier in the evening)

Councilmember Braunstein stated that he wished to clarify some of his comments included in the Minutes of the Regular City Council Meeting of October 9, 2012. City Clerk Cook indicated that she would listen to the audio and further clarify, if necessary. Council concurred to continue the approval of those minutes until November 13, 2012.

Councilmember Lieberman requested the removal of Consent Item 8-G (Resolution Approving Plans And Specifications; Authorizing Advertisement Of Sealed Bids, Approving Award Of Contract To The Lowest Responsible Bidder For The Sanitary Sewer Rehabilitation Project -

Pipe Bursting And Open Excavation At Various Locations, City Contract Number 2012-514) for separate consideration.

ITEMS APPROVED ON CONSENT CALENDAR

Approval of Minutes of Regular City Council Meeting of September 25, 2012

Approval of Resolution 2012-115 Approving the Purchase of Hardware to Replace Citywide File and Email Servers, in an Amount Not To Exceed \$18,000

Approval of Resolution 2012-116 Authorizing the City Manager To Execute A Construction Contract For The Ralston Avenue Culvert Repair Project For An Amount Not To Exceed \$100,000

Approval of Resolution 2012-117 Authorizing the City Manager to Renew the Contract with StarVista for a Three Year Period, Beginning with Fiscal Year 2012-2013 for an Amount not to Exceed \$39,000

Approval of Resolution 2012-118 Authorizing a Software Upgrade and Four Year Maintenance with CRW Associates Not to Exceed \$75,650

Approval of Resolution 2012-119 Authorizing a Service Agreement With Knapp Consulting for an Amount not to Exceed \$16,950 for Environmental Review Services for the 76 Gas Station Remodel Project at 1001 and 1041 Old County Road (Applicant Funded Study)

ACTION: On a motion by Councilmember Braunstein, seconded by Councilmember Wozniak, the Consent Agenda was unanimously approved, as amended, by a show of hands.

ITEM REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Resolution Of The City Council Approving Plans And Specifications; Authorizing Advertisement Of Sealed Bids, Approving Award Of Contract To The Lowest Responsible Bidder For An Amount Not To Exceed \$400,000, And A Construction Contingency Not To Exceed \$40,000 For The Sanitary Sewer Rehabilitation Project - Pipe Bursting And Open Excavation At Various Locations, City Contract Number 2012-514

Public Works Director Oskoui stated that no rehabilitation work has been performed for the past two years, and staff has re-evaluated the infrastructure needs. He clarified that spot repairs have been performed by in-house staff, but an outside contractor is now needed.

ACTION: On a motion by Councilmember Lieberman, seconded by Councilmember Braunstein, Resolution 2012-120 Approving Plans And Specifications; Authorizing Advertisement Of Sealed Bids, Approving Award Of Contract To The Lowest Responsible Bidder For An Amount Not To Exceed \$400,000, And A Construction Contingency Not To Exceed \$40,000 For The Sanitary Sewer Rehabilitation Project - Pipe Bursting And Open Excavation At Various Locations, City Contract Number 2012-514 was unanimously approved by a show of hands.

(At this time, being 11:10 p.m., Councilmember Feierbach left the meeting.)

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Report from Audit Committee

Mayor Warden recommended that, given the late hour, this item be postponed to the next meeting. City Clerk Cook noted that a member of the public requested to speak.

Perry Kennan, Belmont resident, requested clarification regarding the total amount of unfunded liabilities for the City of Belmont.

Council concurred to continue this item to the November 13th meeting.

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Wozniak stated that she has been unable to attend the Peninsula Cities Consortium for High Speed Rail meetings, and suggested that the City Council consider appointing a non-voting citizen member or liaison. She noted that Belmont resident and Planning Commissioner Kristin Mercer has regularly attended these meetings and might be interested.

Mayor Warden expressed support and suggested that Ms. Mercer not represent any City Council policy position.

Council concurred to consider this suggestion at a future Council meeting.

Councilmember Lieberman stated that progress is being made regarding the sewer pipeline issue at South Bayside System Authority. He noted that a presentation on this matter would be scheduled at an upcoming City Council meeting.

Councilmember Braunstein noted that a 2+2 meeting with the Belmont-Redwood Shores School District is being scheduled.

Verbal Report from City Manager

City Attorney Rennie stated that the County Board of Supervisors introduced the single-use plastic bag ban ordinance, and the proposed ordinance for the City of Belmont is scheduled for a City Council meeting in November.

Discussion ensued regarding components of the ordinance.

PUBLIC COMMENTS AND ANNOUNCEMENTS (if any)

Perry Kennan, Belmont resident, stated that the Audit report should require a vote of the City Council. He commented regarding the wording for the agenda item on this topic.

ADJOURNMENT at this time, being 11:20 P.M.

Terri Cook
City Clerk

Meeting audio-recorded and videotaped.